



City of Rockville

MEMORANDUM

June 6, 2008

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Zoning Administrator

VIA: R. James Wasilak, AICP, Chief of Planning *RJW*

SUBJECT: Use Permit Amendment application USA2003-0670B, Rockville Town Square Public Streets, Public Park and Adjacent Landscape and Hardscape Use Permit; Federal Realty Investment Trust, Applicant.

BACKGROUND

On February 18, 2004 the Mayor and Council approved use permits for the Rockville Town Square project. Among them was the use permit covering all of the public improvements and related exterior landscaping for the Town Square project, which is the subject of this amendment application. Under the provisions of text amendment TXT2004-00212, the Mayor and Council must approve amendments to Use Permits that were previously approved by the Mayor and Council. Therefore, in this case the Planning Commission is providing a recommendation to the Mayor and Council on this application.

ANALYSIS

The proposed amendment would modify the design of Gibbs Street in order to allow installation of 12 on-street parking spaces on the east side, and removal of the bollards and planters that currently separate the bike lane from the travel lane. The street would be resurfaced in its entirety with a thin surfacing material, allowing for an 11-foot wide travel lane; a 5-foot bike lane, and curb-side parking. The bike lane divider "humps" at the entrance to Gibbs Street from East Middle Lane will also be removed. In addition, the application also proposes to hang decorative lighting across the width of the street. Also, where the new parking spaces are next to the existing planter areas along the curb, ten-inch wide steel grates will be installed at the back of the curb so that people exiting on the passenger side of the car will have a safe place to step.

The current "convertible" parking spaces on the west side of Gibbs Street will become seasonal use spaces. They can be used as outdoor seating areas during the warmer months, and revert to parking spaces during the colder months. This is essentially how they function today.

Several of the areas along the east side curb will be designated for use as loading areas and/or seasonal parking. That portion of the plaza area between the curb line and the original bike lane area will retain the bollards and become available for added outdoor retail area for transient vendor kiosks.

The decorative overhead lighting will be hung from span wires attached to the building faces along the street. They will be installed with a minimum overhead clearance of 15 feet to accommodate trucks and emergency vehicles.

Finally, there has been a problem with storm water drainage at the entrance to the parking garage for Block 3B on the east side of Gibbs Street. The water flows down into the garage instead of to the storm drains along the street. Public Works recommends that this be corrected as part of the alterations to Gibbs Street.

STAFF RECOMMENDATION

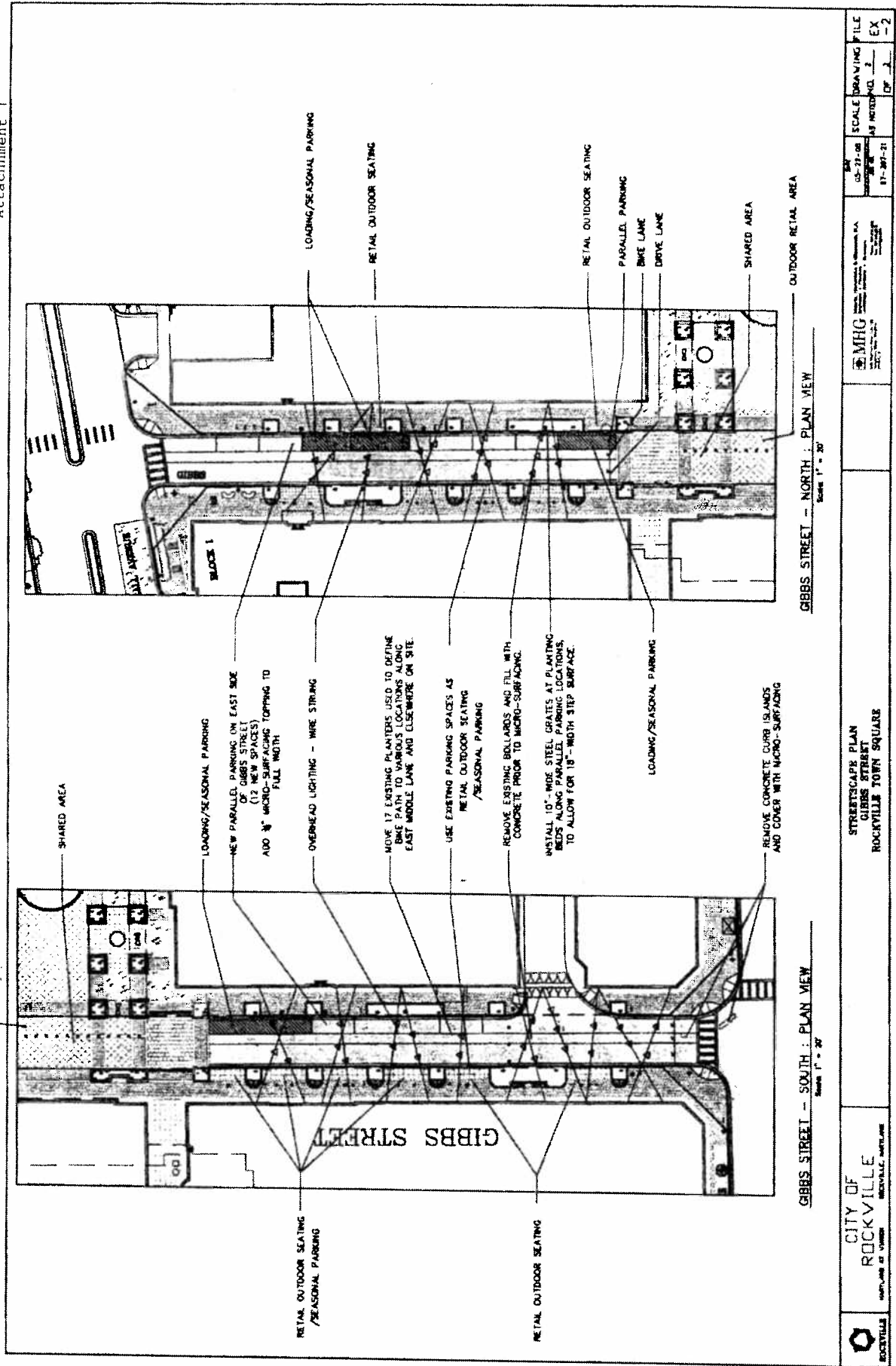
Staff has reviewed the proposed modifications and supports the proposed changes. The staff therefore recommends that this use permit amendment application be approved with the following conditions:

1. No support wires for the overhead lighting will pass through the canopies of the existing street trees.
2. The utilization of the sidewalk areas and convertible parking spaces on west side of Gibbs Street for outdoor seating cannot exceed the overall limit of 70% of the total outdoor dining area as set forth in the original conditions of approval dated March 9, 2004.
3. The applicant must execute a license agreement acceptable to the City Attorney for use of the area over the public street for decorative lighting installation.
4. Bike facilities will comply with the Bicycle Master Plan. This may include either striping or other directional indicators at the direction of the Director of Public Works.
5. Correct the stormwater drainage problem at the entry to the Block 3B garage so that water does not flow into the garage.
6. All other applicable conditions of the original approval to remain in effect.

/dem

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Attachments: 1. Proposed Streetscape Plan
2. Project Description Narrative from Applicant
3. Use Permit Approval letter of March 9, 2004



<p>CITY OF ROCKVILLE PLANNING & DESIGN ROCKVILLE, MARYLAND</p>	<p>STREETSCAPE PLAN GIBBS STREET ROCKVILLE TOWN SQUARE</p>	<p>DATE: 05-22-08 BY: [Signature] CHECKED: [Signature] SCALE: AS NOTED DRAWING FILE: EX-2</p>	<p>PROJECT: [Signature] DATE: 05-22-08 BY: [Signature] CHECKED: [Signature] SCALE: AS NOTED DRAWING FILE: EX-2</p>

Rockville Town Square
 Gibbs Street Redesign – Modifications
 Proposed Scope of Narrative

The modifications proposed under this redesign are as follows:

1. **Bollard Removal:** The existing removable steel bollards which establish the limits of the current bike path will be removed. The foundations for these bollards will be filled with concrete to grade and covered during the micro-surfacing process. The removal of these bollards is required to establish parallel parking at the east curb per the proposed site plan.

 The bollards currently located on the raised Plaza section of the Bike Path would remain unchanged but, is proposed to be identified as “flex” space under the new use. This area would cease to exist as part of Bike Path but, would provide the opportunity for tenants and vendors to create additional outdoor retail or seating.
2. **Concrete Curb Islands Removal:** The concrete curb islands currently located at the south end of Gibbs Street will be removed. Once the bike lane is reconfigured and the street is resurfaced these elements will not serve the intended purpose.
3. **Street Resurfacing:** The existing Gibbs Street asphalt drive isle and concrete bike path will be resurfaced to provide a contiguous surface from curb to curb. This application will only include the north and south sections of Gibbs Street and will not include the raised Plaza area. The proposed application process is called “Micro-Surfacing” and will provide a 3/8” top coat to give the appearance of one asphalt surface. This new surface will establish a new surface to reconfigure the parallel parking, bike path and drive isle locations while providing contrast to the existing marble curbs.
4. **Parallel Parking:** Additional parallel will be provided on the east side of Gibbs Street where the Bike Path is currently located. The proposed design will provide nine (9) permanent parallel parking spaces in addition to five (5) short term loading/ seasonal parallel parking locations or “flex” spaces. The use of these “flex” spaces will change from short-term loading in the spring/ summer months to seasonal parallel spaces in the winter months. The intent of this flexible use is to avoid conflict with retail seasonal outdoor seating at three locations per the proposed site plan. Linear steel grates will be installed in the tree pits parallel to the new parking to provide a standing surface for loading and unloading patrons.

The existing parallel parking on the west side of Gibbs Street will remain physically unchanged but, are proposed to be identified as additional “flex” spaces. These spaces could remain parallel parking while providing the opportunity for tenants and vendors to create additional outdoor retail or seating under the new use.

5. **Bike Path Reconfiguration:** The current bike path will be relocated to the west of its current location to the left of the new parallel parking spaces. Once the street has been resurfaced the bike path will be paint striped on the surface. This application will only include the north and south sections of Gibbs Street and will not include the raised Plaza area. The plaza area will be designated a “shared” use area for pedestrian, vehicular and bicycle traffic.

The raised Plaza section of the Bike Path would remain unchanged but, is proposed to be identified as “flex” space under the new use. This area would cease to exist as part of Bike Path but, would provide the opportunity for tenants and vendors to create additional outdoor retail or seating.

6. **Overhead Lighting:** The overhead lighting, per the proposed site plan, will span east to west over Gibbs Street at diagonal angles. The intended purpose of this feature is to create a festival atmosphere with a human scale along the north and south sections of Gibbs Street. The raised Plaza area will not be included in this proposed scope of work. The light fixture selected is pendant lantern style design to provide a warm glow at approximately fifteen (15) feet above the street surface. The fixtures will be located randomly along support cables within the street width to establish a field of lanterns along the street. The support cables will be supported by structures within the retail spaces and span between the buildings parallel to Gibbs Street.

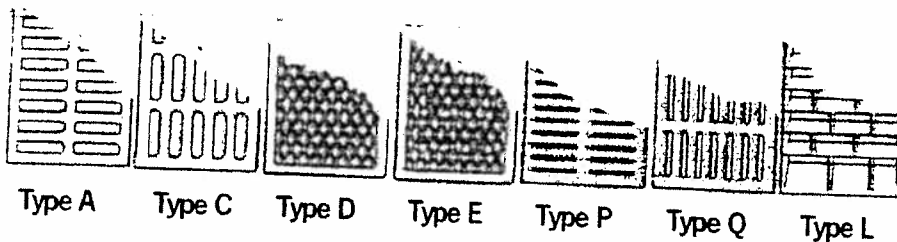
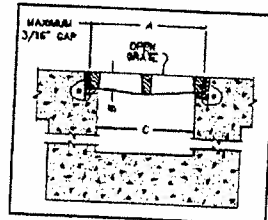
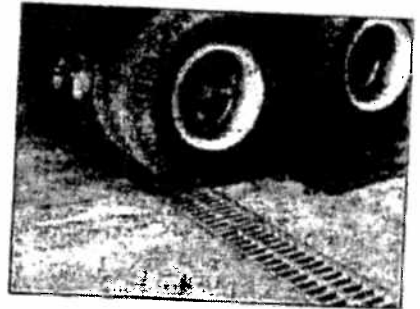
Cost of Work: Federal Realty Investment Trust has committed to providing a maximum of \$200,000 towards this scope of work for the redesign Gibbs Street. All costs in excess of this amount will be the responsibility of the City of Rockville.

TRENCH SYSTEMS

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AND DEVELOPMENT SERVICES

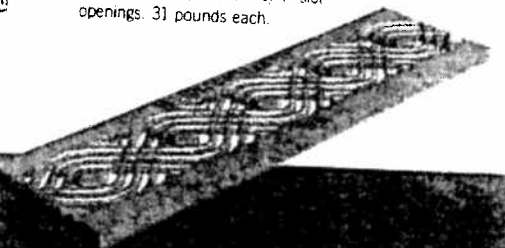
STANDARD CATALOG #	BOLTED CATALOG #	A	B	C	AVAILABLE GRATE/COVER
R-4990-AX	R-4999-AX	8	1-1/2	6	A, C, D, E, P
R-4990-BX	R-4999-BX	10	1-1/2	8	A, C, D, E, P
R-4990-CX	R-4999-CX	12	1-1/2	10	A, C, D, E, P, Q
R-4990-DX	R-4999-DX	14	1-1/2	12	A, C, D, E, P, Q
R-4990-EX	R-4999-EX	17	1-1/2	15	A, C, D, E, P
R-4990-FX	R-4999-FX	20	1-1/2	18	A, C, D, E, P
R-4990-GX	R-4999-GX	23	1-1/2	21	A, C, D, E, P
R-4990-HX	R-4999-HX	26	1-1/2	24	A, C, D
R-4990-JX	R-4999-JX	30	2	27	A, C, D, Q
R-4990-KX	R-4999-KX	33	2	30	A, C, D
R-4990-LX	R-4999-LX	36	2	33	A, C, D, E
R-4990-MX	R-4999-MX	39	2	36	A, C, D
R-4990-NX	R-4999-NX	45	2	42	A, C, D
R-4990-0X	R-4999-0X	51	2	48	A, C, D



R-4996-A

Riverwalk

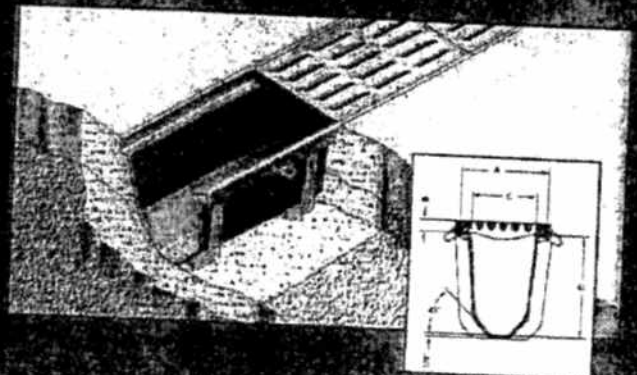
Grates are 29-7/8" x 8", 1/4" slot openings. 31 pounds each.



SELF-FORMING TRENCH PAN

Our self-forming trench systems provide the durability and permanence of cast iron, easy and economical installation, and proven hydraulic performance. Units can be furnished bolted or unbolted, and the type Q grates can easily be incorporated into plans for ADA compliance.

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CATALOG #	A	B	C	D	FRAME LENGTH	OUTLET LOCATION, SIZES AVAILABLE			AVAILABLE GRATE/COVER
						SIDE	BOTTOM	END	
R-4996-A	8	1	6	9	30	4, 6	4	4	Q*
R-4996-B	10	1	8	10-1/2	30	4, 6, 8	4, 6	4, 6	Q*
R-4996-C	12	1-1/4	10	10	36	4, 6, 8	4, 6, 8	4, 6, 8	A, C, D, L, Q*

ORDER NO.: 405

VIRGINIA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION FOR
LATEX MODIFIED EMULSION TREATMENT (MICRO-SURFACING)

July 27, 2006

I. DESCRIPTION

This work shall include furnishing and placing a latex modified emulsion to existing roadway surfaces in accordance with this special provision and as directed by the Engineer.

II. MATERIALS

A. Emulsified asphalt shall be a quick set latex modified cationic emulsion conforming to the requirements of Section 210 of the Specifications and the following:

1. The emulsion shall be designated CQS-1h cationic quick setting emulsion and shall conform to the requirements of Cationic Type CSS-1h.
2. Ring and ball softening point of the residue, minimum = 140 degrees F.
3. Pass towel test (VTM-89) in the 30 minutes at room temperature with job materials.
4. Residue, percent by evaporation, minimum 62 percent as determined by VTM-78.
5. Material shall be furnished in accordance with the Departments Asphalt Acceptance Program.

B. Aggregate shall be non-polishing crushed stone conforming to the requirements Section 202 of the Specifications, except the soundness loss shall not exceed 18 percent.

Gradation of the aggregate shall be in accordance with the following:

SCREEN SIZE	TYPE A (% Passing)	TYPE B (% Passing)	TYPE C (% Passing)	RUTFILLING (% Passing)
No.3/8	100	100	100	100
No.4	100	90-100	70-95	70-95
No.8	65-90	65-90	45-70	45-70
No.16	45-70	45-70	32-54	32-54
No.30	30-50	30-50	23-38	23-38
No.50	18-33	18-33	16-29	16-29
No.100	10-21	10-21	9-20	9-20
No.200	5-15	5-15	5-12	5-12

C. Mineral filler shall be non-air entrained hydraulic cement, Type I, conforming to the requirements of Section 214 of the Specifications or hydrated lime conforming to the requirements of Section 240.02(a) of the Specifications. When requested by the Engineer a manufacturers Certification will be required.

D. Water shall conform to the requirements of Section 216 of the Specifications.

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- E. **Latex modifier** along with emulsifiers shall be milled into the asphalt emulsion by an approved emulsion manufacturer.
- F. **Additives** may be used by the Contractor to provide control of the break/set time in the field. The type of additive shall be specified in the mix design.
- G. **Sampling requirements** for gradation shall be taken from aggregate stockpiles designated by the Contractor. These stockpiles shall be located in the aggregate producer's quarry and acceptance for gradation will be based on an approved aggregate Producer's modified acceptance production control plan. Samples for Marshall tests and asphalt content shall be taken from the completed mix for testing by the Department. The frequency of sampling and testing will be established by the Engineer based upon the Department's acceptance program. The asphalt content will be determined by the Ignition Method (VTM-102) or nuclear gauge (VTM-90), as determined by the Engineer.

III. MIX DESIGN

- A. The mixture shall be designed in a Department approved lab by the Contractor for the Engineer's approval and the job mix formula shall provide the following:
1. Compatibility of latex, aggregate and emulsion in accordance with the Schulze-Breuer Test procedure. Other procedures approved by the Engineer may be used. The test shall be run at the design stage and when requested by the Engineer.
 2. A minimum Marshall Stability of 1800 pounds when tested in accordance with VTM-95.
 3. A flow of between 6 and 16 units when tested in accordance with VTM-95.
 4. An asphalt content that produces 4.7 percent voids in total mix for surface and 6.5 percent voids for rutfilling when tested in accordance with VTM-95.

Aggregate used in the job mix formula shall be from the same source and representative of the material proposed by the Contractor for use on the project.

- B. Proportioning of the mix design shall be within the following limits:

	Type A	Type B	Type C	Rutfilling
% Residual Asphalt (by wt. of dry aggr.)	6.5-8.5	6.5-8.5	5.0-7.5	4.5-6.5
% Mineral Filler	0.26-3.00	0.26-3.00	0.25-3.00	0.25-3.00
% Latex Modified-Solids (by wt. of residual asp.)	3.0 Min.	3.0 Min.	3.0 Min.	3.0 Min.
Additive	As Required	As Required	As Required	As Required

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IV. EQUIPMENT

All equipment, including hand tools, shall be designed or suitable for the application of micro-surfacing and in good working condition.

- A. **Mixing equipment** shall produce the asphalt mixture in a self-propelled, front feed, continuous loading, and mixing machine. The unit shall deliver and proportion the aggregate, emulsion, mineral filler, control setting additive and water to a revolving multi-blade shafted mixer and discharge the mixture on a continuous and uniform basis. A mobile unit will be permitted on areas less than 15,000 square yards provided a sufficient number of units are used to promote an efficient continuous type operation which minimizes disruption to traffic and provided the units are equipped with a twin shaft mixer capable of an operational speed of 60 feet per minute and have a capacity to store and mix components to produce a minimum of 5 tons of mix. All equipment shall be capable of delivering a continuous, uniform, properly proportioned, and homogenous mixture to the spreading unit.

Individual volume or weight controls for proportioning each material shall be provided and meters or counters shall be such that the Engineer may readily and accurately determine the amount of each material used at anytime.

The mixing machine shall be equipped with a water pressure system and nozzle type spray bar to provide a water spray immediately ahead of and outside the spreader box when required.

- B. **Equipment calibration** shall be provided by the Contractor stating the current year data for each mixing unit using materials from the same sources as those to be used on the project. Data for each unit shall be in the form of a graphic scale indicating the proportioning controls settings required to obtain the residual asphalt content as determined in the mix design. Such data shall be maintained with each unit.

- C. **Spreading equipment** shall uniformly spread the paving mixture by means of a mechanical type spreader box attached to the mixer and equipped to agitate and spread the materials throughout the box. The box shall be designed and operated so all the mixed material will be kept homogenous and moving with no evidence of premature breaking during laydown. A front seal shall be provided to ensure no loss of the mixture at the road contact surface. The rear flexible seal shall act as a final strike off and shall be adjustable. The spreader shall be maintained to prevent the loss of the paving mixture in the surfacing super-elevated curves. The spreader box and rear strike-off shall be so designed and operated that a uniform consistency is achieved and produces a free flow of material to the rear strike-off without causing skips, lumps, ripples or tears in the finished surface. A secondary strike-off may be used to improve surface texture.

Rutfilling, when required, shall be accomplished by means of a box specifically designed for that purpose. The box shall be of one-half lane width and have a dual chamber with an inner v configuration of augers to channel the large aggregate to the center of the rut and the fines to the edges of the rut fill pass. The box shall be equipped with dual steel strike-off to control both the width and depth of the rutfill.

- D. **Pneumatic roller** may be required by the Engineer, at no cost to the Department, if excessive loss of aggregate is observed. The roller shall be equipped with treaded tires having an air pressure of 40 - 60 pounds per square inch (psi).

V. PROCEDURES

- A. **Beginning work**, The Contractor shall notify the Engineer at least three work days prior to beginning work. Up on request by the Department, the Contractor shall provide 6 quarts of liquid emulsion and 50,000 grams of aggregate material for the Department's use in determining asphalt content. The contractor shall perform Ignition oven calibrations and submit them with the job-mix formula (JMF) to the Department two weeks prior to the beginning of the work.

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- B. **Surface preparation**, prior to applying the paving mixture, the surface shall be thoroughly cleaned of all vegetation, loose materials, dirt, mud and other objectionable materials. Prior to paving, an asphalt tack coat Type CSS-1h diluted three parts water to one part asphalt shall be applied at a rate 0.05 gallons per square yard. When required by field conditions prewetting of the tacked surface shall be applied evenly at a rate that will uniformly dampen the entire roadway surface.

All cost for furnishing and applying the tack coat and prewetting shall be included in the price bid for "Latex Modified Emulsion Treatment".

C. **Application types and rates**

1. Rutfilling shall be placed by means of a specially designed rutfilling box that will leave the surface crowned between 1/8 and 1/4 inch per inch depth to allow for traffic compaction to approximately a level surface. The Contractor shall provide and use a ten foot straight edge to control the depth and crown.
2. Latex Modified Emulsion Treatment for leveling course shall consist of an initial application to prepare for the surface course. The minimum application rates shall be 16 pounds per square yard for Type B and 20 pounds per square yard for Type C.
3. Latex Modified Emulsion Treatment (LMET) for surface course shall consist of the final application which serves as the pavement surface. The LMET shall be placed at an application rate of 16 to 20 pounds of mix per square yard for Type B and 18 to 22 pounds per square yard for Type C.

Where neither rutfilling nor leveling is used, the mix application rates shall be 18 to 22 pounds per square yard for Type B and 20 to 24 pounds per square yard for Type C.

The Contractor shall provide to the Engineer aggregate weight tickets, a daily delivery summary, and an estimate of aggregate lost and otherwise not used in the work for each stockpile location (rutfilling aggregate shall be stockpiled and inventoried separately). When disagreements occur, the Engineer will make the final determination of such loss.

D. **Application**

The mixture shall be spread to fill minor cracks and shallow potholes and leave a high-skid resistant surface uniform in texture and appearance. Longitudinal joints shall not overlap more than four inches, except on irregular roadway widths when approved by the Engineer; however the joints shall be neat in appearance. Pavement edges shall be reasonably straight and shall be tapered to tie in neatly at gutters, entrances, and connections. When possible, longitudinal joints shall be placed on lane lines.

During night paving operations sufficient lighting shall be provided by the Contractor to insure proper application of micro-surfacing.

Rutfilling must be compacted by traffic or by a minimum of three passes with a pneumatic tire roller not in excess of 5 miles per hour (mph) prior to application of the surface course and must be cured such that applied material is totally free of detectable water. Rutfilling or scratch courses placed at night shall not be overlaid the same night or until such time that the materials totally free of detectable water.

Any oversized aggregate or foreign materials shall be screened from the aggregate stockpile prior to delivery to the mixing machine. A mixing aid additive shall be used to accommodate spreading due to slow placements or high temperatures. Additionally, water in a very limited quantity may be sprayed into the sprayed box to prevent build-up on the blades. All excess material shall be removed immediately from the ends of each run. Loose aggregate that is determined to be objectionable by the Engineer shall be immediately removed without damaging the surface.

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Based upon a visual examination or test results the Engineer may reject any work due to poor workmanship, loss of texture, raveling or apparent instability.

The entire area specified shall be treated and the contract quantity shall not be exceeded.

E. Test requirements

Samples representing a maximum of 500 tons will be taken from material produced by each mixing unit for asphalt content determination. The residual asphalt content of such samples shall be within plus or minus 1.5 percent of the approved job mix. When successive tests from a mixing unit fail or one test fails by more than two percent, that unit shall be removed from service until approved by the Engineer.

F. Price Adjustment

Emulsified asphalt certified weight tickets showing the residual asphalt content shall be provided to the Engineer. Asphalt not used shall be documented and considered in determining the percent of asphalt used on the total project. Upon completion of the project, the percent of asphalt shall be determined by dividing the calculated weight of residual asphalt by the delivery ticket weight of aggregate used in the work. A one percent reduction in the unit price per ton will be applied for each one tenth of a percent the residual asphalt content is more than one percent below the approved job mix formula.

The price adjustment will be applied to the total tons for which payment is made.

G. Weather Limitations

Micro-surfacing shall not be applied on surfaces containing puddle water and on surfaces less than 50 degrees F, except that in the early morning the minimum surface temperature may be 40 degrees F provided the ambient temperature is expected to be above 60 degrees F and there is no forecast of ambient temperature below 32 degrees F within 24 hours from the time the material is applied.

H. Personnel

The Contractor shall have a Department certified Slurry Surfacing Technician on the job site to control the work.

VI. MEASUREMENT AND PAYMENT

The quantity of Latex Modified Emulsion Treatment used in the accepted portions of the work will be measured by net ticket weight of aggregate, latex modified emulsion and mineral filler delivered and incorporated in the accepted work. No deduction will be made for moisture naturally occurring in the aggregate and mineral filler.

The accepted quantity of Latex Modified Emulsion Treatment will be paid for at the contract unit bid price per ton for the type material specified.

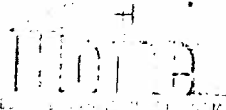
The Contractor will be paid at a rate of \$15.00 per hour for the removal of vegetation, when required. The contract price shall include each operator and the equipment necessary to remove and dispose of vegetation.

Payment will be made under:

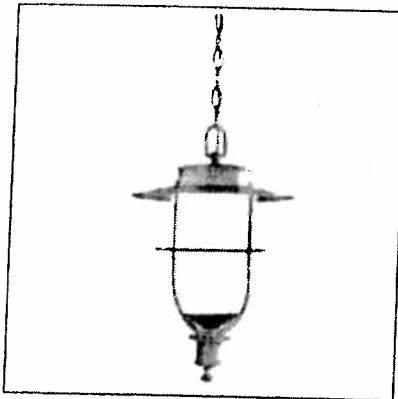
Pay Item	Pay Unit
Latex Modified Emulsion Ruffilling	Ton
*Latex Modified Emulsion Treatment, (Type)	Ton

*(Leveling and surfacing courses to be shown as separate line items in the schedule but combine into one bid item)





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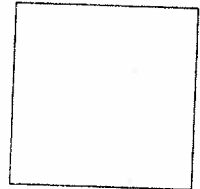
Shoreline 1 Light Outdoor Pendant - 9076-99

by World Imports | Model Number: 9076-99

Our Price : \$160.20

Quantity: 1

Availability : World Imports generally ships within 2-3 Weeks, please click here to request a more specific lead time.



No
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\$25
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Product Rating Write

OVERVIEW

FEATURES

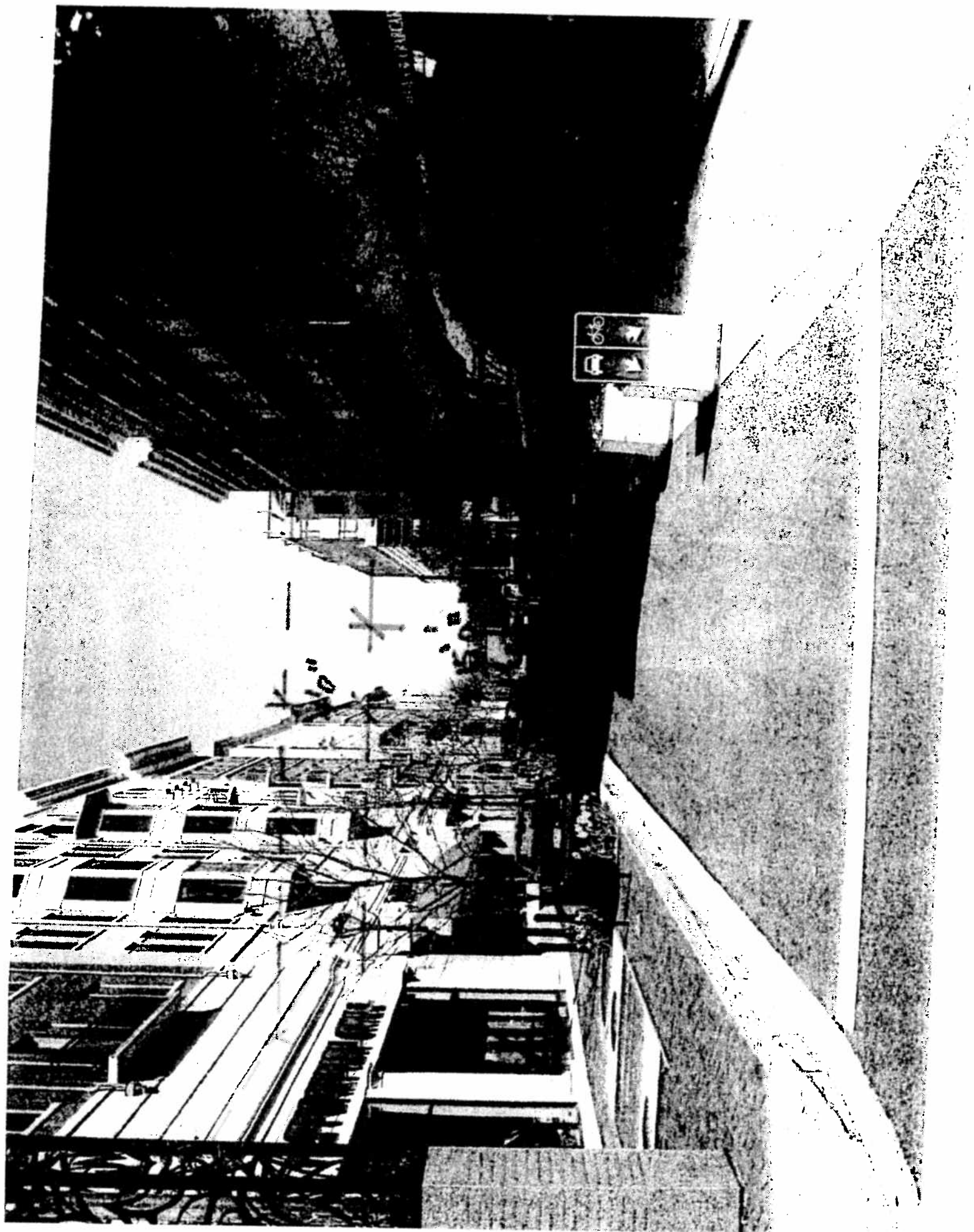
REVIEWS

Shoreline 1 Light Outdoor Pendant - 9076-99

The Shoreline Collection is defined by its distinctly attractive blend of transitional and seemingly nautical styled lighting. A casual but invigorating simple wrought iron finish, this one light outdoor pendant gives a very distinguished impression of a cultural taste. The tea stained glass provides a decor enhancing radiance that is both grand and inviting.

Product Features

- 1 light outdoor pendant
- Shoreline Collection
- Simple wrought iron finish
- Tea stained glass shade
- Accommodates 1 x 26 watt compact fluorescent bulb (not included)
- Title 24 compliant
- Includes 10" chain
- Includes 12" leadwire
- Canopy dimensions: 5.25" Dia
- Overall dimensions: 17" H x 11" W x 11" D





March 9, 2004

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Mr. Arthur D. Chambers
Director, Community Planning and Development Services
111 Maryland Avenue
Rockville, MD 20850

Community Planning and
Development Services
240-311-8200
TTY 240-311-8117
FAX 240-311-8210

**Re: Use Permit Application USE2003-00670
Rockville Town Square
E. Middle Lane and Maryland Avenue**

Historic Preservation Office
240-311-8230

Inspection Services Division
240-311-8240

Long Range Planning
Division
240-311-8200

Planning Division
240-311-8220

Revitalization/Housing
Division
240-311-8200

Dear Mr. Chambers:

In accordance with Section 25-681 of the Rockville Zoning and Planning Ordinance, the above referenced Use Permit was approved by the Mayor and Council on February 18, 2004. The application is to construct the public improvements and infrastructure associated with the Rockville Town Square project, approved under PDP2003-00005.

The approval covers the public streets, sidewalks, public plaza and associated streetscape elements. The approval is subject to full compliance with the following conditions, as shown on the attached exhibit "A":

1. Submission, for the approval or processing by the Department of Public Works (DPW), of the following:
 - a. Water meters shall be placed adjacent to the right-of-way, outside of traffic areas. Preferred location would be in islands or grass areas.
 - b. New easements must be executed prior to permit issuance.
 - c. Plans for the mill and overlay of public streets.
 - d. Submission of a storm drain study.
 - e. Detailed engineering plans and computations for sediment control, storm drain and paving, storm water management, water and sewer, grade establishment, street lighting, signing and pavement markings and roadway improvements to Beall Avenue, East Middle Lane, North Washington Street, Maryland Avenue and the proposed new street. Maryland Avenue, plaza and public easement/driveway on block 5.
 - f. Submission, for approval by the City Attorney, of a storm water easement to be recorded among the Land Records of Montgomery County, Maryland.
2. Post bonds and obtain permits from Rockville Department of Public Works, Maryland Department of the Environment, Maryland State Highway Administration, and the Army Corps of Engineers as required.
3. Plat(s) to be recorded prior to DPW permit issuance.
4. All utility lines and transformers shall be underground or within buildings.

MAYOR
Larry Giammo

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John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

ACTING CITY MANAGER
Catherine Tuck Parrish

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

5. Abandon 72-inch storm drain pipe adjacent to the Foulger-Pratt building.
6. A five-foot clearance shall be maintained between all underground utility pipes and buildings.
7. Provide an easement for the 72-inch reinforced concrete pipe along MD 355 as necessary.
8. Provide a SWM monetary contribution for quantity control per SWM concept approval dated May 29, 2003.
9. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation. DPW shall not issue grading permits until State approval and/or permits have been obtained.
10. Obtain Federal and State permits for areas within the stream and/or stream buffer in the vicinity of Block 4. DPW shall not issue permits to allow grading within the stream buffer until State approval and/or permits have been obtained.
11. Safely convey the 100-year storm through the entire site and provide the 100-year flow path associated with proposed 72-inch reinforced concrete pipe.
12. Prepare Flood Plain study as required.
13. All utility boxes, meters, manhole covers and fire hydrants shall be coordinated with other streetscape accessories.
14. Easements shall be required for all streets where public works structures/facilities are located outside of the right-of-way.
15. No permanent structures to be located above the SWM facility located within the plaza except for minimal encroachments as may be approved by DPW. Access manholes/grates shall be located outside the grass area and within the hardscape area of the plaza where feasible.
16. Provide adequate right of way (ROW) for public streets as follows: ROW on Beall Avenue and North Washington Street shall be at the back of curb per DPW requirements. ROW on Maryland Avenue shall be 40-feet (measured from back of curb to back of curb), ROW on new street shall be 26-feet (measured from the back of curb to back of curb). ROW at street intersections shall be truncated 25 feet as per Rockville City Code section 25-742.
17. A contribution of \$600,000 shall be made prior to building permit issuance. This contribution will be used towards transportation improvements within the Town Square or on roads that provide direct access to the Town Square as indicated in the PDP approval and as approved by DPW.
18. Provide necessary intersection improvements/modifications on Town Square internal and perimeter streets, including signal modifications, future signal installation and other improvements/modifications as directed by DPW. The intersection of Beall Avenue and Maryland Avenue shall include provisions for a future traffic signal installation. A traffic signal at the intersection of East Middle Lane and Maryland Avenue shall be installed.
19. Continuous underground soil panels shall not be located in traffic or parking areas.
20. Paving materials and specifications for streets, sidewalks, and the plaza area to be approved by DPW.
21. The applicant will design the north side of Beall Avenue between North Washington Street and Maryland Avenue. DPW may require applicant to construct the northern half of Beall Avenue pending future developer contribution.

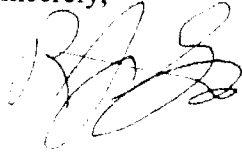
22. Provide bike lanes on the new street, East Middle Lane and Beall Avenue as approved by DPW.
23. Provide a minimum of 20 bicycle parking racks within the project as directed by DPW.
24. Minimum pedestrian zones as outlined in Table 1 as per the Town Center Guidelines shall be continuous and free of obstacles (signs, chairs, tables, merchandise, etc.) at all times.
25. The 2-foot buffer along Maryland Avenue adjacent to the curb shall be continuous and free of obstacles at all times.
26. A maximum of 50% of the 2-foot storefront expansion zone in each block may be used for private use. The remaining 50% of the storefront expansion zone must remain free and clear at all times for pedestrian use.
27. No permanent structures to be located within two feet of the travelway, as directed by DPW.
28. No more than 70% of the outside dining area may be utilized at any one time.
29. There must be a three-foot access way from the curb to the pedestrian zone at a minimum spacing of every 4 parking spaces as approved by DPW. This area must remain free of obstacles to allow access between parked cars and the pedestrian zone.
30. Retain at least 5 parking spaces along the west side of the new street.
31. Features located at intersections shall not impede minimum sight distance requirements.
32. No use of the two-foot building expansion zone along North Washington Street except for public art or landscaping north of the storefront area at E. Middle Lane.
33. Provide \$274,077 under the provisions of Chapter 4 of the City Code for provision of public art. Expenditures to be approved by the Director of Recreation and Parks.
34. The final size and location of the kiosks to be approved by the Mayor and Council.
35. The Commercial Management District must be established prior to the issuance of building permits for Use Permit applications USE2003-00671, 672, 673 and 674.
36. Approval of a Final Forest Conservation Plan (FCP) prior to the issuance of Public Works permits that must include on-site afforestation and significant tree replacement, forest conservation easement to cover entire site, forestry bond and extended maintenance and warranty period to cover the extended establishment period for large caliper trees. A comprehensive landscape plan shall be submitted as part of the FCP that shall include all proposed planting. The following additional conditions area required:
 - a. The Commercial Management District (CMD) must include provisions requiring periodic mulching under the tree grates and cutting away the grates as the trees grow.
 - b. Add trees to the medians on Beall Avenue and E. Middle Lane where feasible.
 - c. Adjust the spacing of street trees on Maryland Avenue next to the library so that trees are planted in the wide spots of the sinuous planting pits.
 - d. The proposed \pm 12-inch caliper tree (species to be identified later) in the plaza will be maintained by the CMD and replaced if so determined by the City Forester for a period of 12 years.

37. The final design of the sidewalk at the corner of North Washington Street and Beall Avenue to be approved by the Mayor and Council.

The Use Permit does not include approval for signs. Sign permits must be applied for from the Inspection Services Division.

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or the application approval expires.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order to consider granting an extension.

Sincerely,



Robert J. Spalding, AICP
Chief of Planning
Community Planning and Development Services

Note: A building permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgment, signed and executed by the applicant, has been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF USE2003-00670, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

 4/13/04
Applicant's Signature Date

ARTHUR D. CHAMBERS 4/13/04
Applicant's Printed Name Date

RJS/dem

cc: Art Chambers, Director of Community Planning and Development Services
Scott Ross, RD Rockville, LLC
Hal Cranor, Director of Public Works
Linda MacDermid, Chief of Inspection Services
Susan Straus, Chief Engineer
Larry Marcus
Mark Wessel
Deane Mellander, Planner III
Application File